

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Corres. and Inc.
Entire Application of: **BOX AF**

CORR

Appln. No. 07/957,080

Filed: October 7, 1992

For: LUBRICANTS

Group Art Unit: 1105

Examiner: Ogden

RECEIVED
MAY 26 AM 11:30
GROUP 110

May 23, 1994
(May 22, 1994 = Sunday)

RESPONSE UNDER RULE 116

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

Sir:

In response to the Office Action dated December 22, 1993,
reconsideration is requested.

It is noted that the Examiner has rejected the applicant's
claims under Section 103 as unpatentable over WO '849 in view of
EP '979. This rejection is not warranted. Hence,
reconsideration and withdrawal of the rejection are requested.

Initially, it is noted that EP '979 is not a proper
reference against the applicant's claims. EP '979 was published
on May 20, 1992. The applicant filed his initial GB application
on October 11, 1991. The Examiner's reference combination is
not, therefore, a valid one for rejection purposes.

Furthermore, it is note that there is no suggestion or
motivation in either reference to make the modifications

necessary to reach the applicant's invention. Clearly,
070 RS 05/25/94 07/957080 f 118 360.00 CK

CORR - Appln. No. 07/957,080

therefore, even if EP '979 were properly citable, the applicant's invention is not obvious.


The applicant notes that the Examiner has made the rejection final. It is submitted that this is inappropriate when the rejection is based on newly cited references. In any event, the rejection should be withdrawn and the claims allowed.

Favorable consideration is requested.

Respectfully submitted,

CUSHMAN, DARBY & CUSHMAN

By


Paul N. Kokulis
Reg. No. 16,773
Tel: (202) 861-3503
Fax: (202) 822-0944

PNK:jn
1100 New York Avenue, N.W.
Ninth Floor
Washington, D.C. 20005-3918
Phone: (202) 861-3503